

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
v.	:	Indictment No.
	:	07 Crim. 866 (JSR)
	:	
ANGEL PEREZ,	:	
CARMEN PATRON, and	:	<u>AFFIDAVIT</u>
MANUEL CONCEPCION,	:	
a/k/a/ "Santiago Figueroa,"	:	
	:	
Defendants.	:	

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STATE OF NEW YORK	)	
	)	ss.:
COUNTY OF NEW YORK	)	

Stephanie M. Carvlin, being duly sworn, deposes and states the following under the penalty of false statement:

1. I am an attorney duly admitted to the practice of law in the State of New York and the United States District Court for the Southern District of New York.

2. I have been assigned pursuant to the Criminal Justice Act Plan to represent the defendant, CARMEN PATRON, in connection with the above-captioned case.

3. I am fully familiar with the facts of the case.

4. This affidavit is submitted in support of Ms. Patron's pre-trial motion to suppress physical evidence that was seized from her residence by agents of the Drug Enforcement Administration and the Stratford, Connecticut Police Department on or about August 30, 2007.

5. The information in this affidavit is based on investigation, a review of materials provided by the government and of relevant court documents, as well as on discussions with representatives of the government and with the defendant.

6. On August 30, 2007, officers of the Stratford, Connecticut Police Department and agents of the Drug Enforcement Administration, working together as part of a joint task force, searched 259 Jackson Avenue, Stratford, Connecticut. The search was undertaken pursuant to a search warrant that was issued by a Judge of the Connecticut Superior Court.

7. Ms. Patron is the leaseholder of the residence at 259 Jackson Avenue. She resided there when the search took place. (See Patron Affidavit, attached hereto.)

#### The Affidavit

8. The warrant was authorized based on an affidavit that was submitted on August 28, 2007, by Detective William Jennings of the Stratford, Connecticut Police Department and Special Agent Ryan Mensing of the Drug Enforcement Administration. (Attached hereto as Exhibit A.)

9. In the affidavit in support of the warrant, Jennings and Mensing described two transactions during which an individual who was working as an undercover officer purchased heroin from one of Ms. Patron's co-defendants, Angel Perez. (Exhibit A at 2-3.) Both transactions followed the same pattern.

10. The first sale occurred on August 1, 2007. The undercover officer called Angel Perez ("Lefty") and arranged to meet with Mr. Perez at a location in Bridgeport, Connecticut. The call was recorded. (Exhibit A at 2.)

11. According to the affidavit, Perez met with the undercover as planned. The undercover told Mr. Perez how much heroin he wanted to purchase but also claimed not to have the money with him. Mr. Perez told the undercover that he had to go get the heroin. (Exhibit A at 2.)

12. Later in the day, Mr. Perez called the undercover and told him to come to a pre-arranged location. (Exhibit A at 2.)

13. Mr. Perez arrived at the location driving a tan Cadillac. He left the vehicle and gave the undercover a white napkin that "contained an amount of suspected heroin." (Exhibit A at 2.) The undercover paid Mr. Perez the price they had negotiated, and both men left the area.

14. A surveillance team followed Mr. Perez to 259 Jackson Avenue in Stratford, Connecticut, "where he entered same." (Exhibit A at 2.)

15. The affidavit recites that "PEREZ' residence has been positive identified as 259 Jackson Avenue in Stratford, Connecticut," but provides no basis for the assertion. (Exhibit A at 2.)

16. The substance the undercover officer received from Mr. Perez field tested positive for heroin. (Exhibit A at 2.)

17. The affidavit also describes a second transaction between Perez and the undercover that occurred on August 20, 2007. As with the first sale, the

two men met at a pre-arranged location in Connecticut for the undercover to purchase heroin. (Exhibit A at 3.)

18. They met first at 1:08 p.m. to firm up the details of the transaction. The undercover officer was wearing a recording device. (Exhibit A at 3.)

19. Approximately an hour later, Mr. Perez called the undercover and told him to go to another location. Perez purportedly was meeting his source in the area. The plan called for Mr. Perez to receive the heroin from his supplier and then bring it to the undercover. (Exhibit A at 3.)

20. Two hours later, Mr. Perez arrived at the location driving a Honda. He and the undercover exchanged heroin for an agreed-upon sum of money.

21. As he had after the first buy, Mr. Perez left the location, drove to 259 Jackson Avenue and entered the home. (Exhibit A at 3.)

#### The Warrant

22. Based solely on this information, agents Jennings and Mensing applied for a search warrant on August 28, 2007.

23. They requested permission to search 259 Jackson Avenue, Stratford, Connecticut for

Heroin, cutting agents, glassine envelope [sic], plastic baggies, strainers, scales, measuring devices, money and written records pertaining to the sale of narcotics, papers, photographs and keys showing occupancy, use and means of identification, telephone records, bank records and or safety deposit keys, weapons and handguns and electronic devices such as portable telephones and beepers used for communication of drug operations, computers used for record keeping practices of drug sales and cameras commonly used for the protection of drug trafficking operations and home made video tapes showing use and or sales of narcotics.

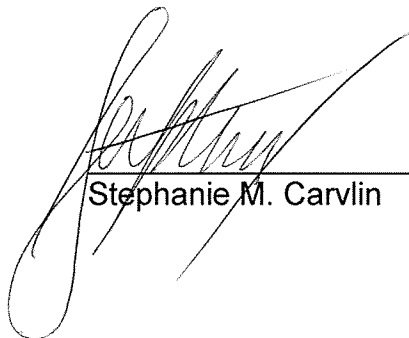
(Exhibit A at 5.)

24. A Judge of the Connecticut Superior Court signed the warrant the same day and granted the agents a ten-day period to complete the search.


25. On August 30, 2007, officers with the Drug Enforcement Administration and the Stratford, Connecticut Police Department searched 259 Jackson Avenue.

26. They seized several cell phones, a computer memory stick, "brass knuckles/knife," a wallet, a prescription bottle, a plastic bag that contained "numerous small baggies (color red and color white baggies)," a police nightstick, two identifications, a gun magazine, "two mail items" and a small black box containing residue and a cut straw.

30. Ms. Patron did not consent to the search of her residence. (See Patron Affidavit, attached hereto).

  
Stephanie M. Carvlin

Sworn to before me this  
30<sup>TH</sup> day of October, 2007

  
Notary Public

ALLAN P. HABER  
Notary Public, State of New York  
No. 314843505  
Qualified in New York County  
Commission Expires December 31, 2009